THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition (M/S) No. 224 of 2006

1. Smt. Nasrin W/O late Sri Allauddin,
   R/O Kanchanpuri Khatima, District Udham
   Singh Nagar.
2. Master Junaid (minor) S/o late Sri Allauddin,
   Through her mother & natural guardian Smt.
   Nasrin W/O late Sri Allauddin,
   R/O Kanchanpuri Khatima, Distt. Udham Singh Nagar.

… Petitioners.

Versus

1. Motor Accident Claim Tribunal/District Judge, Udham
   Singh Nagar.
2. Smt. Tara Jahan W/O Late Sri Baddrudin.
3. Master Musahid (Minor) S/O late Sri Assauddin
   Through Smt. Tara Jahan W/O Baddrudin
   Both respondent no. 2 and 3 R/O Kanchanpuri,
   Tehsil Khatima, Distt. Udham Singh Nagar.
4. Anwar Ahmed S/O Shamshad Ali, R/O Shyam Nagar,
   Bhumiya Ka Pull Distt. Meerut At present R/O Gram
   Dotai, Tehsil and Police Station Garmukteswar,
   District Ghaziabad (U.P.)
5. National Insurance Co. Ltd., through Branch Manager,
   Branch Office Gajraula (Insurance Company of
   Truck No. HR. 38C/6769.

… Respondents.

Sri M.K.Goyal, learned senior counsel for the petitioners.
Learned Standing Counsel for respondents no.1.

Dated 10-03-2006

PC:
(Hon'ble B.S. Verma, J.)

The petitioners have filed the present writ petition for issue a writ order or direction for quashing the impugned order dated 18-11-2005 (Annexure No. 3 to the writ petition) whereby on the application of the petitioner to implead herself as party (claimant) was allowed and she has been impleaded as O.P.No.4.

The grievance of the petitioner is that the application was under Order 1, Rule 10 C.P.C. for impleadment as petitioner. The petitioner is alleged to be the widow of the deceased. The

petition before the Motor Accident Claims Tribunal has been filed by the mother-in-law Smt. Tara Jahan and Master Musahid, who are mother and son respectively of the deceased Alla-uddin.

There is no bar to file fresh claim petition under the Motor Vehicles Act for compensation before the Tribunal concerned by the petitioner. The petitioner may file a separate claim petition before the Motor Accident Claims Tribunal. The order passed by the learned Motor Accident Claims Tribunal Udham Singh Nagar does not suffer from any illegality or perversity.

The writ petition is dismissed in-limine with the said observation.

RCP **(B.S. Verma, J.)**